

UNAPPROVED- DRAFT
BOARD OF DENTISTRY
MINUTES OF BOARD MEETING

Friday, November 14, 2003

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

CALL TO ORDER: A meeting of the Virginia Board of Dentistry was called to order at 9:05 a.m.

PRESIDING: Trudy Levitin, R.D.H., President

MEMBERS PRESENT: Meera Gokli, D.D.S.
Michael Link, D.D.S.
Harold Seigel, D.D.S.
Deborah Southall, R.D.H.
Gary Taylor, D.D.S.
James Watkins, D.D.S.
Paul Zimmet, D.D.S.

MEMBERS ABSENT: Darryl Lefcoe, D.D.S.
Millard Stith

STAFF PRESENT: Sandra Reen, Executive Director
Robert Nebiker, Director- DHP
Elaine Yeatts, Senior Policy Analyst
JeAnne Marshall, Administrative Assistant

COUNSEL PRESENT: Howard Casway, Assistant Attorney General

QUORUM: With eight members of the Board present, a quorum was established.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: On a properly seconded motion by Dr. Link, the Board approved the Minutes of the General Board Meeting of September 12, 2003 and the Summary Suspension of October 17, 2003.

LEGISLATION AND REGULATION: **Virginia Bar Legislative Proposal:** The Board reviewed the Virginia Bar Association proposed legislation to amend VA Code § 54.1-2717, to permit licensed dentists to be employed by clinics and charitable corporation. Ms. Yeatts offered an amended proposal which more clearly

addressed the stated purpose of the legislation. On a properly seconded motion by Ms. Southall, the Board voted to support the legislation as amended by DHP position.

Legislation Proposed by MCV: Ms. Yeatts reviewed with the Board the redraft of the two legislative proposals from VCU/MCV School of Dentistry. The first proposal amends §54.1-2712.3 to allow dental and dental hygiene students to obtain practical experience in community service projects and private dental office. On a properly seconded motion by Dr. Link, the Board voted to support the legislation. The second proposal amends §54.1-2712.5 to provide for a resident's license. A motion by Dr. Link was amended to recommend to the Dean that further revisions be made to follow the language used in the Medicine statute. The amended motion carried unanimously.

Additional Comment on Ratio of Dental Hygienists:

Ms. Reen stated the Board had received three (3) additional comments on the proposal to increase the number of dental hygienists that a dentist can supervise. Two of the commenters opposed a change and the third was from the Commonwealth Dental Hygienists Society about being excluded from a task force discussing this matter. It was pointed out that the task force in question was initiated by the Virginia Dental Hygienists' Association. No action was taken.

BOARD DISCUSSION:

Increase in SRTA Fee: Mr. Nebiker asked the Board to explain the additional information received from SRTA and to advise him on whether or not to grant the increase. Dr. Watkins made a motion which was seconded that the Board recommend denying the increase. The motion passed with five (5) members voting for and two (2) voting against it.

APD Questions about CCA's: Ms. Reen explained that the Administrative Proceedings Division has ask for guidance regarding negotiation of confidential consent agreements. Dr. Watkins made a motion which was seconded that the Executive Director be designated as the contact for APD and others regarding negotiations. On a

properly seconded motion by Dr. Taylor, the Board voted to have the Executive Director work with the Chairperson of the Special Conference Committee to decide the matters under negotiation. The motion carried.

Discussion of 18 VAC 60-20-190.11: Dr. Link explained that he was asked if an impression taken by a dental assistant could then be used as a master cast. The sense of the Board was that this regulation should be changed to allow dental assistants to take impressions for any dental procedure. Dr. Watkins made a motion that 18 VAC 60-20-190.11 be stricken from regulation. The motion was seconded and carried unanimously.

Examining Sanctioned Licensees: Dr. Watkins explained that dentists are indicating their ignorance of the statutes and regulations governing the practice of dentistry. He proposed that a jurisprudence examination be used as a remediation tool for respondents who are found to be in violation. Ms. Levitin recommended the dentistry newsletter be used as a tool to inform dentists about posting their license. Dr. Link made a motion that the Executive Committee look at the Jurisprudence exam for possible changes to support its use for remediation. The motion was seconded and carried.

DHP Directive 4.7, Unlicensed Practice: Mr. Nebiker explained that this directive was informational material for the Board about DHP's new authority to address unlicensed activities.

Professional Learning Services Request: Ms. Reen explained this organization is requesting acceptance of their program in lieu of the SRTA exam for dental hygienist seeking re-licensure or reciprocity. Ms. Kathryn Medley commented on the program stating that she has taken the course and found it very beneficial. Mr. Casway advised that the statute requires an examination so the program could not be accepted in lieu of an examination. Dr. Taylor moved that the review course be accepted towards the continuing education requirements for re-licensure. The motion was seconded and carried.

Surveys From VDA: Mr. Nebiker stated that the survey will be completed on-line when a person renews their license Ms. Levitin stated that question 5 on the survey needs clarification. She recommended that the question be reworded to read "What year did you start or join your current primary practice". Ms. Southall wanted to know how many hours are considered as full time. Ms. Yeatts suggested using a drop down box for the number of hours rather than defining full time. The Board asked Ms. Reen to discuss these changes with the Data Processing Division and then with the VDA.

AGD List: Dr. Watkins explained to the board his concern that Virginia is one of the seven states that do not have some form of licensure recognition for dentists. Dr. Link made a motion to have Regulatory-Legislative Committee address this issue. The motion was seconded and carried.

The Joint Commission on National Dental Exams: Ms. Reen explained that the Commission is looking for nominees to fill vacancies on its Test Construction Committees for 2005. She advised that anyone who is interested should contact her for the application materials.

Letter from John L. Harris, III, MS, DDS: Ms. Reen explained that Dr. Harris is requesting guidance on addressing a situation where the physician of one of his patients is ordering a five day regimen of antibiotic prophylaxis. The Board asked Ms. Reen to respond to Dr. Harris indicating that the medical condition and the treating physician's instructions take precedence over dental treatment as a matter of standard protocol.

Expanded Duties for Dental Assistants: Dr. Seigel stated this topic was deferred from the September board meeting and asked for an update. Ms. Reen advised that she has yet to collect the requested information from each state. Ms. Yeatts advised that a legislative change would be needed prior to developing regulations. Dr. Watkins moved that this topic be assigned to the Regulatory-Legislative Committee for consideration with the other

changes being addressed for the 2005 legislative session. The motion was seconded and passed.

Acceptance Of Home Study Courses for CE and Disciplinary Orders: Dr. Seigel asked for reconsideration of limiting the number of hours of CE that could be earned through home study. Ms. Reen explained that staff had submitted the proposal through the fast track process and that the option at this point would be to withdraw the proposal. No action was taken.

Dental Office Inspections: Dr. Seigel asked for an update on the new form to be used by Enforcement. He also suggested that the Board meet with the inspectors annually to discuss inspection issues. Ms. Reen reported that Dr. Seigel had provided recommendations to expand the form which had been forward to the Enforcement Division. She indicated that Enforcement had made final revisions and was using the form.

EXECUTIVE DIRECTOR:

2004 Calendar: The Board decided to work with the proposed calendar where formals would be held in conjunction with special conference committee meetings. Several dates were changed and Ms. Southall made a motion to accept the calendar as amended. The motion was seconded and passed.

Board Approval of CE Programs: Ms. Reen reported that the number of requests for CE approval is increasing. She requested guidance on what should be required as part of the request and on the factors to be considered for approval. She also asked if a fee should be instituted to cover the costs. Dr. Watkins moved that the Board discontinue approving CE courses due to the lack of resources. The motion was seconded and passed. Staff was asked to address having this regulatory provision deleted.

Sanction Reference Study: Ms. Reen advised that Ms. Southall and Dr. Seigel met with Mr. Kauder to revise the data collection instrument. The study will look at 200 closed cases where sanctions were imposed.

Update on Staffing: Ms. Reen informed the Board that a new wage employee will be joining the staff on December 1, 2003. She also indicated that recruitment was under way to fill a new classified position.

Southern Conference of Dental Deans and Examiner Annual Meeting: Ms. Reen reported that the SCDDE annual meeting will be held in Biloxi, Mississippi on January 16 through 18, 2004. She asked who might be interested in attending so that she could request approval. Dr. Link made a motion to send two Board members and the Executive Director, which was properly seconded. The motion carried. Ms. Levitin asked that anyone interested in attending contact her or Ms. Reen.

AADE Mid Year Meeting: Ms. Levitin reported the AADE Mid Year meeting will be held in Chicago, on March 28 through 30, 2004. Dr. Link made a motion which was properly seconded, that a request for attendance for one dentist, one dental hygienist, the legal counsel and the executive director be submitted. The motion carried.

ADJOURNMENT

With all business concluded, the Board adjourned at 2:17 p.m.

Trudy Levitin, R.D.H. President

Sandra K. Reen, Executive Director

Date

Date